

**BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

Meeting Date: February 15, 2005

Division: Growth Management

Bulk Item: Yes ☐ No ☒

Department: Planning and Environmental Services

Staff Contact Person: Aref Joulani

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**AGENDA ITEM WORDING:**

Public hearing on the request by Earthmark Companies, LLC. to amend the land use district (zoning ) map from Sub Urban Commercial (SC) to Mixed Use (MU) for property with the Real Estate Number 00554420.000000, and from Urban Residential Mobile Home (URM) to Urban Residential (UR) for properties with the Real Estate Numbers 00554730.000000, 0055700.000000 and 00554670. 000000.

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**ITEM BACKGROUND:**

Request to rezone from SC to MU of a parcel of land located between U.S. Highway 1 and First Street in Key Largo with the RE # 00554420.000000.

Request to rezone from URM to UR of a parcel of land located between First Street and Second Street in Key Largo. The site is comprised of parcels RE # 00554730.000000, 0055700.000000 and 00554670. 000000.

The properties are part of a proposed redevelopment and the zoning changes would accommodate a mix of commercial and residential uses.

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**PREVIOUS RELEVANT BOCC ACTION:** N/A

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**CONTRACT/AGREEMENT CHANGES:** N/A

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**STAFF RECOMMENDATIONS:** Approval

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**TOTAL COST:** N/A

**BUDGETED:** Yes ☐ No ☐

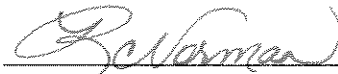
**COST TO COUNTY:** N/A

**SOURCE OF FUNDS:** \_\_\_\_\_

**REVENUE PRODUCING:** Yes N/A No ☐ **AMOUNT PER MONTH** \_\_\_\_\_ **Year** \_\_\_\_\_

**APPROVED BY:** County Atty ☒ OMB/Purchasing \_\_\_\_\_ Risk Management \_\_\_\_\_

**DIVISION DIRECTOR APPROVAL:**



Ronda Norman, Acting Division Director

**DOCUMENTATION:** Included ☒ Not Required ☐

**DISPOSITION:** \_\_\_\_\_

**AGENDA ITEM #** \_\_\_\_\_

**MONROE COUNTY LAND USE DISTRICT MAP AMENDMENT**

FROM SUB URBAN COMMERCIAL (SC)  
TO MIXED USE (MU)

AND

FROM URBAN RESIDENTIAL MOBILE HOME (URM)  
TO URBAN RESIDENTIAL (UR)

EARTHMARK COMPANIES L.L.C.

BOARD OF COUNTY COMMISSIONERS  
KEY LARGO  
FEBRUARY 15, 2006

MONROE COUNTY LAND USE DISTRICT MAP AMENDMENT

FROM SUB URBAN COMMERCIAL (SC)  
TO MIXED USE (MU)

AND

FROM URBAN RESIDENTIAL MOBILE HOME (URM)  
TO URBAN RESIDENTIAL (UR)

A REQUEST BY EARTHMARK COMPANIES L.L.C.

RECOMMENDATIONS

STAFF:	Approval	November 15, 2005	Staff report
DRC:	Approval	November 15, 2005	Resolution #D21-05
PC:	Approval	December 20, 2005	Resolution #P54-05

## BOCC ORDINANCE



**ORDINANCE NO. 2006**

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS **APPROVING** THE REQUEST BY EARTHMARK COMPANIES, LLC. TO AMEND THE LAND USE DISTRICT (ZONING) MAP FROM SUBURBAN COMMERCIAL (SC) TO MIXED USE (MU) FOR THE PROPERTIES DESCRIBED AS LOTS 1, 2, 3, 4, 5, 6, 7, 8, 30, 31, 32 AND 33, BLOCK 2, MANDALAY, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 194. HAVING REAL ESTATE NUMBER: 00554420.000000; AND TO AMEND THE LAND USE DISTRICT (ZONING) MAP FROM URBAN RESIDENTIAL MOBILE HOME (URM) TO URBAN RESIDENTIAL (UR) FOR THE PROPERTIES DESCRIBED AS A STRIP OF LAND 125 FEET WIDE AND 250 FEET IN DEPTH OFF THE SOUTHWESTERLY SIDE OF BLOCK 3, SAID STRIP BEING 125 FEET ON EAST FIRST STREET AND EAST SECOND STREET, AND 250 FEET ON SECOND AVENUE. MANDALAY, KEY LARGO, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 194 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, AND A TRACT OF LAND IN BLOCK 3 OF MANDALAY, A SUBDIVISION OF KEY LARGO, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 1, AT PAGE 194 PUBLIC RECORDS OF MONROE COUNTY, FLORIDA SAID TRACT HAVING A FRONTAGE OF 100 FEET ON EAST FIRST STREET, ACCORDING TO THE PLAT OF MANDALAY, AND A DEPTH OF 95 FEET AND FURTHER DESCRIBED AS THE NORTHWESTERLY 95 FEET OF THE NORTHEASTERLY 100 FEET OF THE SOUTHWESTERLY 225 FEET OF SAID BLOCK 3, AND THE NORTHEASTERLY 50 FEET OF THE SOUTHWESTERLY 175 FEET, AND THE NORTHEASTERLY 50 FEET OF THE SOUTHWESTERLY 225 FEET, BLOCK 3, MANDALAY, A SUBDIVISION ON KEY LARGO, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 1, PAGE 194 PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, LESS THE NORTHWESTERLY 95 FEET OF THE NORTHEASTERLY 100 FEET OF THE SOUTHWESTERLY 225 FEET THEREOF OF SAID BLOCK 3. HAVING REAL ESTATE NUMBERS 00554730.000000, 00554700.000000 AND 00554670.000000, AT APPROXIMATELY MILE MARKER 98, KEY LARGO, MONROE COUNTY, FLORIDA.

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**WHEREAS**, the Monroe County Board of County Commissioners, during a regular meeting held on February 15, 2006 conducted a review and consideration of the request filed by Earthmark Companies, LLC. to amend the land use district (zoning) map

from Suburban Commercial (SC) to Mixed Use (MU) land use district for the property described as Lots 1, 2, 3, 4, 5, 6, 7, 8, 30, 31, 32 and 33, Block 2, Mandalay, according to the plat thereof as recorded in Plat Book 1, Page 194, Key Largo, Monroe County, Florida, having the real estate identification number 00554420.000000; and

**WHEREAS**, the Monroe County Board of County Commissioners, during a regular meeting held on February 15, 2006 conducted a review and consideration of the request filed by Earthmark Companies, LLC. to amend the land use district (zoning) map from Urban Residential Mobile Home (URM) to Urban Residential (UR) land use district for the properties described as A strip of land 125 feet wide and 250 feet in depth off the Southwesterly side of Block 3, said strip being 125 feet on East First Street and East Second Street, and 250 feet on Second Avenue. Mandalay, Key Largo, according to the plat thereof recorded in Plat Book 1, Page 194 of the Public Records of Monroe County, Florida.

AND

A tract of land in Block 3 of Mandalay, a subdivision of Key Largo, according to the Plat recorded in Plat Book 1, at Page 194 Public Records of Monroe County, Florida said tract having a frontage of 100 feet on East First Street, according to the plat of Mandalay, and a depth of 95 feet and further described as the Northwesterly 95 feet of the Northeasterly 100 feet of the Southwesterly 225 feet of said Block 3.

AND

The Northeasterly 50 feet of the Southwesterly 175 feet, and the Northeasterly 50 feet of the Southwesterly 225 feet, Block 3, Mandalay, a subdivision on Key Largo, according to the Plat recorded in Plat Book 1, Page 194 Public Records of Monroe County, Florida, less the Northwesterly 95 feet of the Northeasterly 100 feet of the Southwesterly 225 feet thereof of said Block 3, having the real estate identification numbers 00554730.000000, 0055700.000000 and 00554670.000000; and

**WHEREAS**, the Development Review Committee, during a public meeting held in Key Largo on November 15, 2005, recommended approval of the application to the Planning Commission; and

**WHEREAS**, the Planning Commission held a public hearing in Key Largo on December 20, 2005 and recommended approval of the application to the Board of County Commissioners; and

**WHEREAS**, the Board of County Commissioners further reviewed the application and makes the following **Findings of Fact**:

1. **Section 9.5-511 (d)(5)b** of the Monroe County Code (MCC) allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six listed conditions.
2. In accordance with **Section 9.5-511 (d) (5) (b) (i) Changed Projections and (ii) Changed Assumptions**: A trend towards full-service communities continues in Key Largo with increasing demand for development that provides for the type of amenities contained in Mariners Club. A population desiring this type of community continues to increase exponentially and requires development that addresses the need for housing for this population. This increasing demographic illustrates the need for planned communities that maintain the community character so cherished in the Keys. The previous residential use included mobile home units and RV's to satisfy the

housing need. The community need has changed and the previous mobile home and RV units will be transformed into multi-family (27) units and transient hotel units (11). The amendment of the land use designation from URM to UR enables the development convert high density transient and mobile home units into condominiums. The amendment of the SC land use designation property to MU continues the ability for residential development while providing for commercial amenities to service the community. The assumption of the status quo has not been maintained in this region and amending the land use designation for these properties will facilitate continuing improvement in the development of the area to address the changing demographic need.

3. The pre-1986 zoning of the subject property was Medium Commercial BU-2. The BU2 district was intended to provide areas suitably situated for centers of commercial activity, area retail sales, sale of fuels, mechanical services, wholesaling, warehousing and storage.
4. During the 1986 Comprehensive Plan process, the land use districts of the subject property were changed to Sub Urban Commercial (SC) consistent with the previous commercial zoning and URM consistent with the use of the property as a mobile-home park.
5. Subsequent to the 1986 Comprehensive Plan process Lots 1 through 10 and lots 31 through 33 were rezoned from URM to SC on May 2, 1990 by BOCC Resolution 128-1990 and Lot 30, Block 2, Mandalay Subdivision, P.B 1. Page 195, Key Largo, Monroe County, Florida, was rezoned from URM to SC on September 28, 2001.
6. The Future Land Use Map of the Monroe County Year 2010 Comprehensive Plan, which took effect on January 4, 1996, followed the land use district boundary and designated a future land use category of Mixed Use Commercial (MC) for the Sub Urban Commercial (SC) parcel and Residential High (RH) for the URM parcels with the exception of Lot 30, Block 2, Mandalay Subdivision, P.B 1. Page 195, Key Largo, Monroe County, Florida that was zoned URM with a FLUM designation of MC.
7. Based on **Policy 101.4.5** of the Monroe County Year 2010 Comprehensive plan, the principal purpose of the Mixed Use/ Commercial land use category is to provide for the establishment of commercial zoning districts where various types of commercial retail and office may be permitted at intensities, which are consistent with the community character and the natural environment. This land use category is also intended to allow for the establishment of mixed use development patterns, where appropriate.
8. The Mixed Use/Commercial (MC) FLUM designation corresponds with the requested Mixed Use (MU) land use district designation.
9. **Policy 101.4.4** The principal purpose of the Residential High category is to provide for high-density single-family, multi-family, and institutional residential development, including mobile homes and manufactured housing, located near employment centers.
10. The Residential High (RH) FLUM designation corresponds with the requested Urban Residential (UR) land use district designation.
11. **Section 9.5-511** prohibits any map amendments that would negatively impact community character. No negative impacts were identified.
12. **Objective 101.11** states that Monroe County shall ensure that at the time a development permit is issued, adequate public facilities are available to serve the development at the adopted level of service standards concurrent with the impacts of such development.

13. The **2005 Public Facilities Capacity Assessment Report** and the listed programs for stormwater and wastewater indicate that there are no significant concerns.
14. **Goal 102** of the Monroe county Year 2010 Plan states that Monroe County shall direct future growth to lands that are intrinsically most suitable for development and shall encourage conservation and protection of environmentally sensitive lands. The parcels are cleared and were previously developed. There will be no expansion onto environmentally sensitive lands.
15. Based on **Chapter 380.031 of the Florida Statutes**, the definition of “development Permit” includes zoning permit and rezoning. Therefore, a rezoning change should support and implement the Land Development Regulations.
16. Based on **Chapters 163.3201 and 163.3201** of the Florida Statutes, Land development regulations shall be in compliance with and implement the adopted local Comprehensive Plan.
17. Based on **Chapter 163.3213 2 (b)** “Land development regulation” means an ordinance enacted by a local governing body for the regulation of any aspect of development, including a subdivision, building construction, landscaping, tree protection, or sign regulation or any other regulation concerning the development of land. This term shall include a general zoning code, **but shall not include a zoning map, an action which results in zoning or rezoning of land...**
18. Based on **Chapter 163.3177(6)(a)** of the Florida Statutes, Future Land Use Map illustrate the proposed distribution, location, and extent of various categories of land use in a future land use plan. The future land use plan is just one of the several elements of comprehensive plan. It designates proposed future general distribution, location, and extent of the uses of land for different type of uses.
19. The community character of the neighborhood is mixed use. There is a mix of residential, resort, marina and restaurant uses with corresponding land use districts of Sub Urban Commercial (SC), Urban Residential Mobile Home (URM) and Urban Residential (UR).
20. The Director of Planning and Environmental Resources reviewed the proposed land use district map amendment and accepted the application for processing based on the determination that the proposed land use district map amendment was not subject to Resolution 320-2005 of the Monroe County Board of County Commissioners.

**WHEREAS**, the Board of County Commissioners makes the following  
**Conclusions of Law:**

1. The future land use Map is just one of the elements of the Year 2010 Comprehensive Plan which shows only the proposed future general distribution, location and extent of the uses of land for different types of uses.
2. Determination of granting a development permit (including rezoning) is based on the consistency of the proposal with applicable Land Development Regulations and the overall intent of the Comprehensive Plan.
3. Based on the Findings of Facts presented, the proposed land use designation is appropriate for this property. In the process of determining appropriate land use designation for the site, the Findings of Fact and Conclusions of Law shall be used to guide the Staff.



**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THAT:**

**Section 1.** The Board specifically adopts the findings of fact and conclusions of law stated above.

**Section 2.** The previously described properties shall be rezoned to Mixed Use (MU) and to Urban Residential (UR), which is hereby incorporated by reference and attached as Exhibit 1.

**Section 3.** If any section, subsection, sentence clause, item change or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

**Section 4.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

**Section 5.** This ordinance shall be filed in the Office of the Secretary of State of the State of Florida but shall not become effective until approved by the Department of Community Affairs or Administration Commission.

**Section 6.** This ordinance shall be transmitted by the Planning and Environmental Resources Department to the Florida Department of Community Affairs to determine the consistency of this ordinance with the Florida Statutes.

**PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County, Florida, at a regular meeting held on the 15th day of February 2006.

Mayor Charles "Sonny" McCoy  
Mayor Pro Tem Murray E. Nelson  
Commissioner George Neugent  
Commissioner Dixie M. Spehar  
Commissioner David P. Rice

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BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA

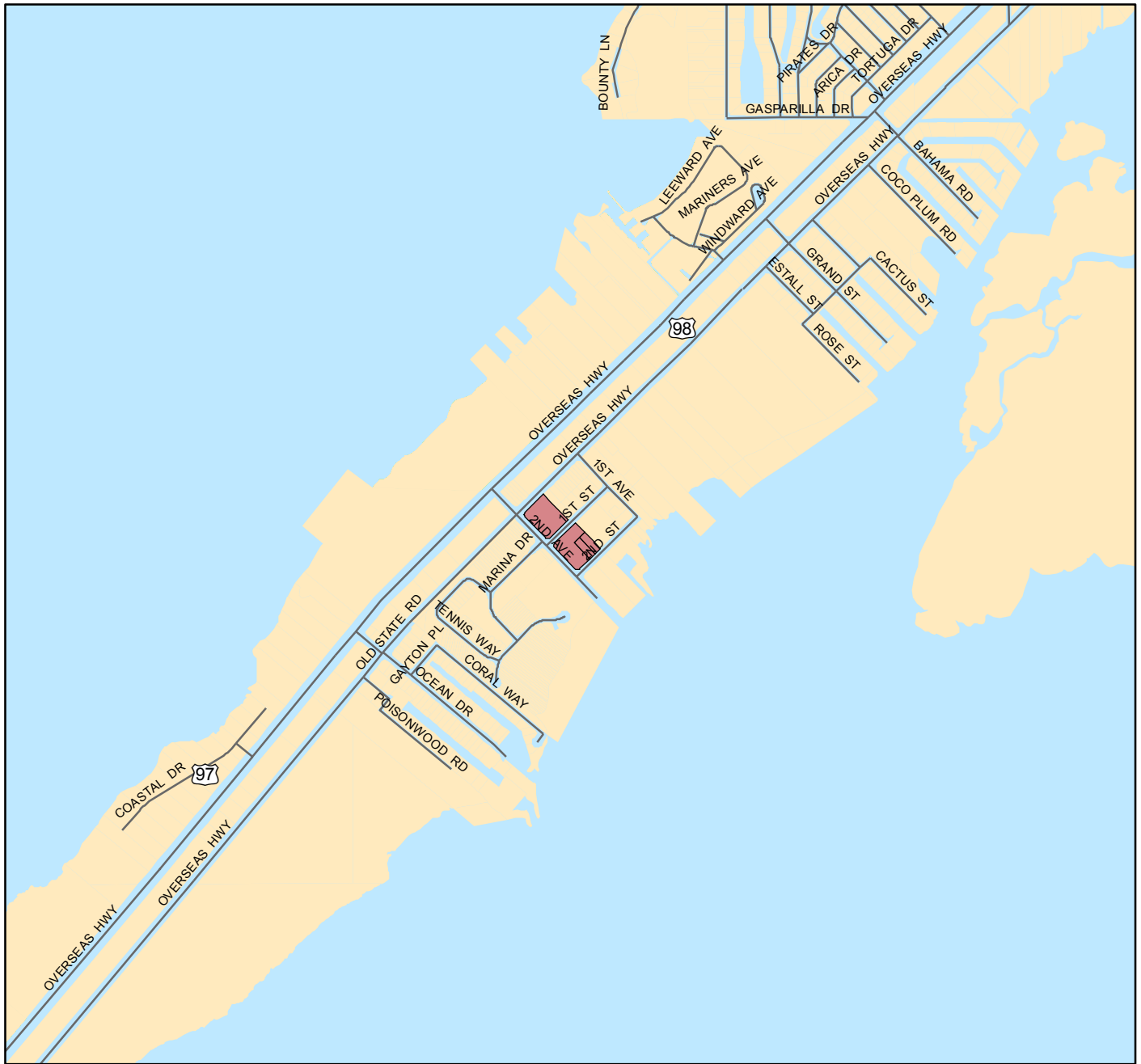
By \_\_\_\_\_  
Mayor Charles "Sonny" McCoy

(SEAL)  
ATTEST: DANNY L. KOHAGE, CLERK

\_\_\_\_\_  
Deputy Clerk



EXHIBIT ONE



## Proposed Land Use District Map Amendment: Street Map

Key: Key Largo

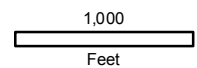
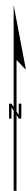
Mile Marker: 97.5

Proposal: Change Land Use District from Suburban Commercial District (SC) to Mixed Use District (MU) and Urban Residential Mobile Home District (URM) to Urban Residential District.

Property Description: RE 00554420.000000, 00554730.000000, 00554700.000000 and 00554670.000000

Map Amendment: M25075

Land Use District Map #: 139





## Proposed Land Use District Map Amendment: Aerial

Key: Key Largo

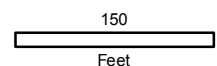
Mile Marker: 97.5

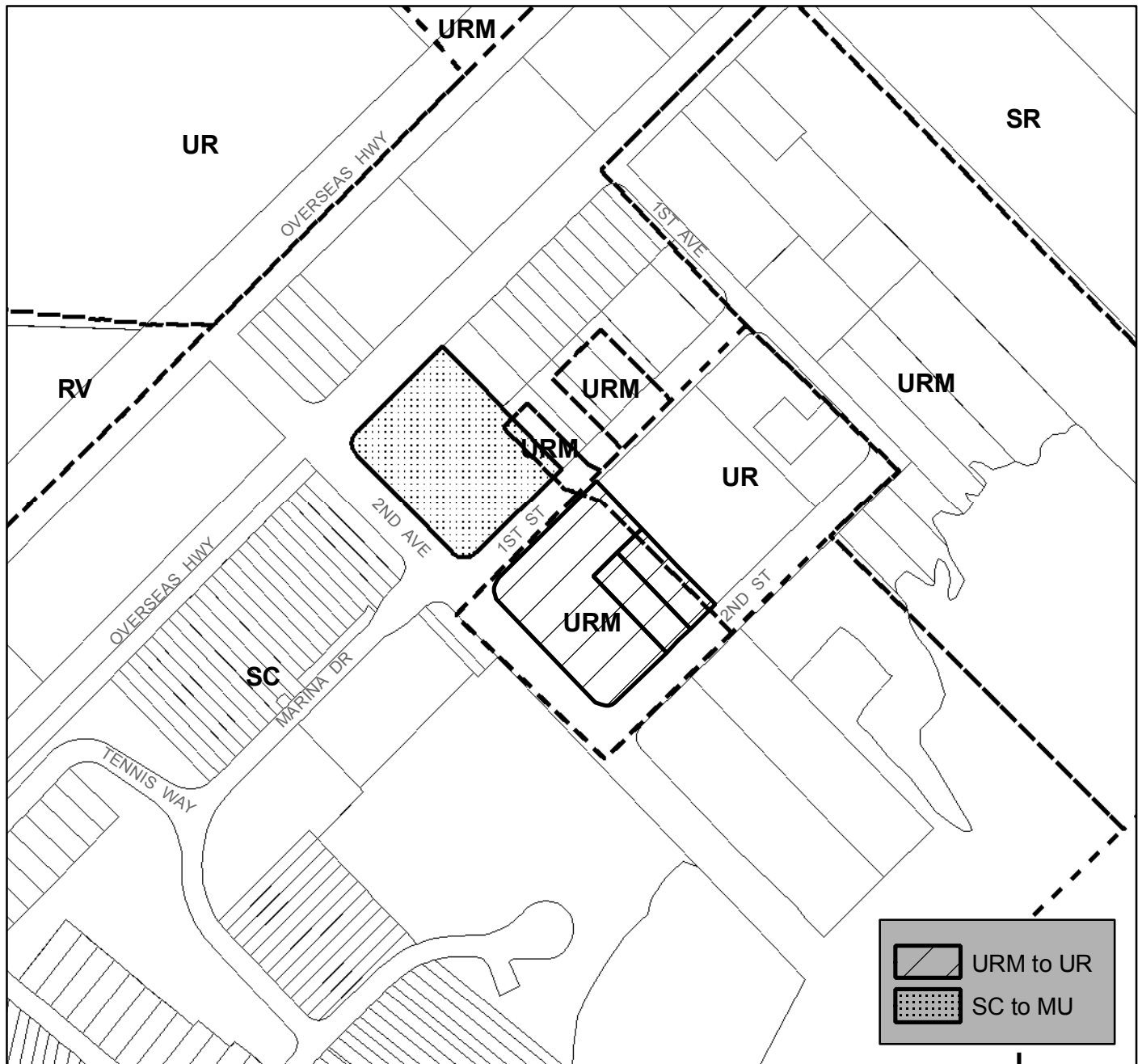
Proposal: Change Land Use District from Suburban Commercial District (SC) to Mixed Use District (MU) and Urban Residential Mobile Home District (URM) to Urban Residential District.

Property Description: RE 00554420.000000, 00554730.000000, 00554700.000000 and 00554670.000000

Map Amendment: M25075

Land Use District Map #: 139





**The Monroe County Land Use Map is proposed to be amended  
as indicated above and briefly described as:**

Key: Key Largo

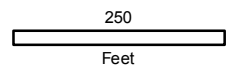
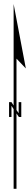
Mile Marker: 97.5

Proposal: Change Land Use District from Suburban Commercial District (SC) to Mixed Use District (MU) and Urban Residential Mobile Home District (URM) to Urban Residential District.

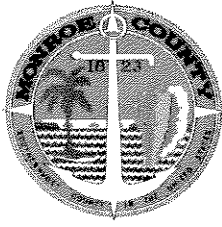
Property Description: RE 00554420.000000, 00554730.000000, 00554700.000000 and 00554670.000000

Map Amendment: M25075

Land Use District Map #: 139



## BOCC STAFF REPORT



## MEMORANDUM

**TO:** Board of County Commissioners

**FROM:** David A. Dacquisto AICP, Director, Island Planning Team  
Alex Score, Biologist

**RE:** Rezoning Request, Earthmark Companies, LLC, For Properties with Real Estate Numbers: 00554420.000000, 00554730.000000, 00554700.000000 and 00554670.000000

**Date:** January 9, 2006

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**MEETING DATE:** February 15, 2006

**RE NUMBER: 00554420.000000**

**EXISTING FUTURE LAND USE MAP DESIGNATION:** Mixed Use/Commercial (MC)

**PROPOSED FUTURE LAND USE MAP DESIGNATION: Remains Unchanged**

**EXISTING ZONING DESIGNATION:** Sub Urban Commercial (SC)

**PROPOSED ZONING DESIGNATION:** Mixed Use (MU)

**RE NUMBERS: 00554730.000000, 00554700.000000 AND 00554670.000000**

**EXISTING FUTURE LAND USE MAP DESIGNATION:** Residential High (RH)

**PROPOSED FUTURE LAND USE MAP DESIGNATION: Remains Unchanged**

**EXISTING ZONING DESIGNATION:** Urban Residential Mobile-Home (URM)

**PROPOSED ZONING DESIGNATION:** Urban Residential (UR)

**PROPERTY OWNER:** Earthmark Companies, LLC.

**AGENT:** The Craig Company

**Property Information**

**Key:** Key Largo  
**Size:** 2.34 acres in total

**Properties:** The request to rezone from SC to MU is for the parcel having Real Estate Number 00554420.000000 located between Overseas Highway and First Street.

The request to rezone from URM to UR is for a site located between First Street and Second Avenue. The site is comprised of parcels with the Real Estate Numbers 00554730.000000, 00554700.000000 and 00554670.000000.

<b>Size:</b>	RE # 00554420.000000	1.05 Acres
	RE #s 00554730.000000, 00554700.000000 and 00554670. 000000	Total 1.29 Acres

**Mile Marker:** MM 98

**Location Detail & Brief Description:**

The site commonly know as the Mandalay property is located on Key Largo and runs southeasterly from Overseas Highway to 2<sup>nd</sup> St. Along it's westerly boundary lies Second Avenue which allows local traffic adequate access to Overseas Highway. The property southeast of 2<sup>nd</sup> St. is not part of the requested rezoning.

The applicant has requested a rezoning from Sub Urban Commercial (SC) for the property legally described as:

RE No. 00554420.000000  
Lots 1, 2, 3, 4, 5, 6, 7, 8, 30, 31, 32 and 33, Block 2, Mandalay, Key Largo,  
according to the plat thereof as recorded in Plat Book 1, Page 194,  
Public Record of Monroe County, Florida.

The applicant has requested a rezoning from Urban Residential Mobile Home (URM) to Urban Residential (UR) for the properties legally described as:

RE No. 00554730.000000, RE No. 00554700.000000 and RE No. 00554670.000000  
A strip of land 125 feet wide and 250 feet in depth off the Southwesterly side of Block 3,  
said strip being 125 feet on East First Street and East Second Street, and 250 feet on  
Second Avenue. Mandalay, Key Largo, according to the plat thereof recorded in Plat  
Book 1, Page  
194 of the Public Records of Monroe County, Florida.  
AND



A tract of land in Block 3 of Mandalay, a subdivision of Key Largo, according to the Plat recorded in Plat Book 1, at Page 194 Public Records of Monroe County, Florida said tract having a frontage of 100 feet on East First Street, according to the plat of Mandalay, and a depth of 95 feet and further described as the Northwesterly 95 feet of the Northeasterly 100 feet of the Southwesterly 225 feet of said Block 3.

AND

The Northeasterly 50 feet of the Southwesterly 175 feet, and the Northeasterly 50 feet of the Southwesterly 225 feet, Block 3, Mandalay, a subdivision on Key Largo, according to the Plat recorded in Plat Book 1, Page 194 Public Records of Monroe County, Florida, less the Northwesterly 95 feet of the Northeasterly 100 feet of the Southwesterly 225 feet thereof of said Block 3.

The subject parcels are 2.34 acres in area and are part of a larger aggregated property of 2.6 acres in area, located at approximate mile marker 98. The property will increase in area if the applicant is successful in vacating part of 1<sup>st</sup> Street and 2<sup>nd</sup> Street.

#### **Existing Use Identified:**

The northern most property located between Overseas Highway and First Street is presently used for storage. It has an assessor's designation of vacant mobile-home. The middle property between First Street and Second Street is vacant.

#### **Existing Habitat:**

The habitat of the subject properties is classified as disturbed. The southern most parcel that is part of an aggregated development but not the subject of this rezoning request, contains a dredged boat basin and the shoreline which are defined as altered for setback purposes; twenty (20) feet from basin and thirty (30) feet along open water shoreline provided that native vegetation exists or is planted and maintained at a ten (10) feet width across the entire shoreline and is placed under a conservation easement.

The lots are developed and are not considered habitat for any listed animal species or located within an acquisition area for preservation. The lots fall predominately within the AE 8/10 flood zone except for the shoreline area that has a strip of VE 11/14 near the boat basin per FIRM panel 0929K, effective, date February 18, 2005.

#### **Land Use and Habitat on the 1985 Existing Conditions Aerials:**

Sheet 265 of the 1985 Existing Conditions Aerials shows the habitat code to be 740, which indicates that the site is disturbed.

#### **Neighboring Land Uses and Character:**

The property to the southwest is the site of Mariners Club condominiums and resort hotel.

The property to the northeast is developed with mobile-homes with the ocean front property the site of a marina.

### **Zoning and Land Use History:**

#### **Pre-1986 Zoning**

The properties were previously zoned BU-2, medium commercial. The BU-2 District is intended to provide areas suitably situated for centers of commercial activity, restaurants, marinas, area retail sales, sale of fuels, mechanical services, wholesaling, warehousing and storage.

Prohibited uses included “any residential use.”

#### **Considerations During the 1986 Comprehensive Plan Process**

In September 1986, the Land Use District Map was adopted and the subject property was rezoned to Urban Residential Mobile-Home (URM) (Ordinance 33-1986 dated February 28, 1986). The URM zoning was consistent with the use of the land for mobile-homes and RV’s.

#### **Considerations During the 2010 Comprehensive Plan Process**

During the 2010 Comprehensive Plan process, the Future Land Use Map (FLUM) categories were introduced.

The northerly property, RE# 00554420.000000, was given a FLUM designation of Mixed Use Commercial (MC), consistent with the Sub Urban Commercial (SC) land use district map designation.

The southerly properties, RE#s 00554730.000000, 00554700.000000 and 00554670.000000 were given a FLUM designation of Residential High (RH), consistent with the Urban Residential Mobile Home (URM) land use district map designation.

#### **Changes to Boundary Considerations Since 1986**

Lots 1 through 10 and lots 31 through 33 were rezoned from URM to SC on May 2, 1990 by BOCC Resolution 128-1990.

Lot 30, Block 2, Mandalay Subdivision, P.B 1. Page 195, Key Largo, Monroe County, Florida, was rezoned from URM to SC on September 28, 2001, by BOCC ordinance 16-2001 & DCA F.O. 01-OR-134.

#### **Analysis and Rational (Pursuant to Section 9.5-511 (d) (5) b.)**

#### **9.5-511 (d) (5) (b) (i) Changed Projections and (ii) Changed Assumptions:**

Applicants Statement: A trend towards full-service communities continues in Key Largo with increasing demand for development that provides for the type of amenities contained in Mariners Club. A population desiring this type of community continues to increase exponentially and requires development that addresses the need for housing for this population. This increasing demographic illustrates the need for planned communities that maintain the community character so cherished in the Keys. The previous residential use included mobile home units and RV's to satisfy the housing need. The community need has changed and the previous mobile home and RV units will be transformed into multi-family (27) units and transient hotel units (11). The amendment of the land use designation from URM to UR enables the development convert high density transient and mobile home units into condominiums. The amendment of the SC land use designation property to MU continues the ability for residential development while providing for commercial amenities to service the community. The assumption of the status quo has not been maintained in this region and amending the land use designation for these properties will facilitate continuing improvement in the development of the area to address the changing demographic need.

### **Impact and Policy Analysis**

**Rezoning Request: Re # 00554420.000000:**

### **Comparison of Development Potential for the Current and Proposed Land Uses:**

#### **1. Current Land Development Regulations (LDR's)**

Currently, the property has a Sub Urban Commercial (SC) land use district map designation.

#### **Sec. 9.5-206. Purpose of the Sub Urban Commercial District (SC)**

The purpose of the SC district is to establish areas for commercial uses designed and intended primarily to serve the needs of the immediate planning area in which they are located. This district should be established at locations convenient and accessible to residential areas without use of U.S. 1.

The list of permitted as-of-right and conditional uses includes commercial uses, office, institutional, commercial apartments, public uses, hotels and marinas.

The **Future Land Use Category** that corresponds to the Sub Urban Commercial (SC) land use district is the Mixed Use/Commercial (MC) FLUM.

#### **Policy 101.4.5**

The principal purpose of the Mixed Use/ Commercial land use category is to provide for the establishment of commercial zoning districts where various types of commercial retail and office may be permitted at intensities, which are consistent with the community

character and the natural environment. Employee housing and commercial apartments are also permitted.

1. This land use category is also intended to allow for the establishment of mixed use development patterns, where appropriate. Various types of residential and non-residential uses may be permitted; however, heavy industrial uses and similarly incompatible uses shall be prohibited

## **2. Potential land uses with proposed Map Amendment**

The applicant requests a Mixed Use (MU) land use district map designation.

### **Sec. 9.5-219. Purpose of the Mixed Use District (MU).**

The purpose of the MU district is to establish or conserve areas of mixed uses, including commercial fishing, resorts, residential, institutional and commercial uses, and preserve these as areas representative of the character, economy and cultural history of the Florida Keys.

The list of permitted as-of-right and conditional uses are similar to those under the SC zoning district and include commercial uses, office, institutional, commercial apartments, public uses, hotels and marinas. The MU district expands on these uses by including detached residential dwellings and attached residential dwellings allowing for a greater residential component than the SC district.

The **Future Land Use Category** that corresponds to the Mixed Use (MU) land use district is the Mixed Use/Commercial (MC) FLUM. This is the same FLUM as for the Sub Urban Commercial (SC) land use district.

**Rezoning Request: Re #s 00554730, 0055700 and 00554670:**

### **Comparison of Development Potential for the Current and Proposed Land Uses:**

#### **1. Current Land Development Regulations (LDR's)**

Currently, the properties that are the subject of the second rezoning request have an Urban Residential Mobile-Home (URM) land use district map designation.

### **Sec. 9.5-205. Purpose of the Urban Residential Mobile Home District (URM).**

The purpose of the URM district is to recognize the existence of established mobile home parks and subdivisions, but not to create new such areas, and to provide for such areas to serve as a reservoir of affordable and moderate-cost housing in Monroe County.

The list of permitted as-of-right and conditional uses includes mobile homes and detached residential dwellings.

The **Future Land Use Category** that corresponds to the Urban Residential Mobile-Home (URM) land use district is the Residential High (RH) FLUM.

#### **Policy 101.4.4**

The principal purpose of the Residential High category is to provide for high-density single-family, multi-family, and institutional residential development, including mobile homes and manufactured housing, located near employment centers.

## **2. Potential land uses with proposed Map Amendment**

The applicant requests an Urban Residential (UR) land use district map designation.

### **Sec. 9.5-204. Purpose of the Urban Residential District (UR).**

The purpose of the UR district is to provide areas appropriate for high-density residential uses designed and intended for occupancy by persons gainfully employed in the Florida Keys and to create areas to provide for vacation rental use of detached dwellings, duplexes, and multifamily dwellings. This district should be established at or near employment centers.

The UR district permits detached residential dwellings as-of-right and differs from the URM district in that it allows attached residential dwellings as a conditional use, the URM district does not.

The **Future Land Use Category** that corresponds to the Urban Residential (UR) land use district is the Residential High (RH) FLUM.

#### **Policy 101.4.4**

The principal purpose of the Residential High category is to provide for high-density single-family, multi-family, and institutional residential development, including mobile homes and manufactured housing, located near employment centers.

### **Compatibility With Adjacent Land Uses and Effects on Community Character:**

The Monroe County Code addresses this issue with Section 9.5-511 that prohibits amendments that would negatively affect community Character.

## Density and Intensity

Staff has determined that there are 11 transient units, 21 residential units, 4,422 square feet of commercial square footage and 12 boat slips legally established on the aggregated property.

The subject properties are 2.34 acres in size. It is important to note that although not subject to this rezoning, the applicant owns an additional .26 acre (11,326 sq. ft.) property zoned SC that is not subject to a rezoning request and that will retain its SC land use district designation. The addition of the SC site would increase the total acreage to approximately 2.6 acres.

The 2.34 acres (101,930 sq. ft.) subject to the rezoning request is presently divided between SC and URM land use districts. The SC is 1.05 acres (45,738 sq. ft.) in area and the URM is 1.29 acres (56,192 sq. ft.) in area. The proposed rezoning is from SC to MU and from URM to UR.

The maximum number of dwelling units (DU) permitted is as follows:

### Allocated and Max Net Density Permitted Per Acre

Urban Residential Mobile Home		
	Allocated (DU/Acre)	Max Net (DU/Buildable Acre)
Urban Residential Mobile Home	1/lot	0
Mobile Home Parks	5	7

Urban Residential		
	Allocated (DU/Acre)	Max Net (DU/Buildable Acre)
Urban Residential	6	12
Employee Housing	6	25
Affordable Housing	6	25

### Allocated and Max Net Density Permitted Per Acre

Sub Urban Commercial		
	Allocated (DU/Acre)	Max Net (DU/Buildable Acre)
Sub Urban Commercial	3	6
Employee Housing	3	15

Mixed Use		
	Allocated (DU/Acre)	Max Net (DU/Buildable Acre)
Mixed Use	1	12
Employee Housing	1	18
Affordable	1	18


Housing		

Pursuant to Section 9.5-269 lawfully established dwellings units will be carried forward and applied to the redevelopment which may allow a higher density than indicated in the tables above.

The maximum non-residential square footage permitted is as follows:

#### Commercial Maximum Floor Area Ration Permitted

Sub Urban Commercial		
	MFAR	OSR
Commercial Retail:		
Low intensity	.35	.2
Medium intensity	.25	.2
High intensity	.15	.2
Office	.45	.2
Institutional	.30	

Mixed Use		
	MFAR	OSR
Commercial Retail:		
Low intensity	.35	.2
Medium intensity	.25	.2
High intensity	.15	.2
Offices	.40	.2
Institutional	.30	.2

#### **Use Compatibility**

Permitted and conditional uses listed in the MU land use district are similar to those in the SC land use district and both would allow similar types of development in the area. The MU land use district allows detached and attached residential dwellings that the SC land use district does not.

Permitted and conditional uses listed in the URM and UR land use districts are similar in that residential use is allowed the difference lies in the type of development. The URM district restricts residential development to mobile-homes and detached residential dwellings while the UR district allows detached residential dwellings and attached residential dwellings.

The proposed rezoning and the permitted and conditional uses allowed would be compatible with the neighboring properties.

#### **Effects on Natural Resources Goal 102**

Goal 102 of the Year 2010 Comprehensive Plan states that Monroe County shall direct future growth to lands which are intrinsically most suitable for development and shall encourage conservation and protection of environmentally sensitive lands.

The parcels are cleared and were previously developed. There will be no expansion onto environmentally sensitive lands.

### **Effects on Public Facilities: Objective 101.11**

Monroe County shall implement measures to direct future growth away from environmentally sensitive land and towards established development areas served by existing public facilities.

### **Local Traffic and Parking**

The subject property is located on Overseas Highway and is served by Second Avenue on its southwesterly boundary.

### **Traffic Circulation**

The site is served by US-1 a four lane divided highway and has a connection via Second Avenue. The Key Largo highway segment has a **Level of Service rating of A** and is considered **Adequate**. The proposed land use district map amendment should not affect the LOS.

### **Solid Waste**

The existing solid waste haul out contract will provide Monroe County with **guaranteed capacity to September 30, 2016**. The proposed land use district map change should not increase solid waste generation significantly from that generated by potential uses under the existing designation.

### **Potable Water**

The Florida Keys Aqueduct Authority's existing consumptive use permit authorizes the withdrawal of sufficient quantities to meet the anticipated demand. The proposed land use district map amendment is not anticipated to have any discernable effect on potable water withdrawals.

### **Stormwater**

Section 9.5-293 of the Land Development Regulations requires that all developments retain stormwater onsite following Best Management Practices (BMP). Pursuant to **Policy 101.1.1** all projects shall be designed so that the discharges will meet Florida State Water Quality Standards. Compliance review for these sections is determined by the South Florida Water Management District or County Engineer and occurs at the time a development permit has been filed.



## **Wastewater**

Policy 901.1.1 requires that at the time a development permit is issued, adequate sanitary wastewater treatment and disposal facilities are available to support the development. Wastewater issues will be addressed at the time a development proposal is brought forward.

## **Effects on Redevelopment / Infill Potential:**

The two northerly sites have been cleared previously although there is storage located on the site adjacent U.S. 1 at present. There is an operating restaurant, bar and marina on the southern most parcel that although not part of rezoning request, is under the same ownership.

Under the MU and UR land use district designations, the applicant would have the potential to develop the site with detached and attached residential dwellings in addition to allowed commercial uses in the MU district.

## **Findings of Fact**

1. **Section 9.5-511 (d)(5)b** of the Monroe County Code (MCC) allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six listed conditions.
2. In accordance with **Section 9.5-511 (d) (5) (b) (i) Changed Projections and (ii) Changed Assumptions:** A trend towards full-service communities continues in Key Largo with increasing demand for development that provides for the type of amenities contained in Mariners Club. A population desiring this type of community continues to increase exponentially and requires development that addresses the need for housing for this population. This increasing demographic illustrates the need for planned communities that maintain the community character so cherished in the Keys. The previous residential use included mobile home units and RV's to satisfy the housing need. The community need has changed and the previous mobile home and RV units will be transformed into multi-family (27) units and transient hotel units (11). The amendment of the land use designation from URM to UR enables the development convert high density transient and mobile home units into condominiums. The amendment of the SC land use designation property to MU continues the ability for residential development while providing for commercial amenities to service the community. The assumption of the status quo has not been maintained in this region and amending the land use designation for these properties will facilitate continuing improvement in the development of the area to address the changing demographic need.
3. The pre-1986 zoning of the subject property was Medium Commercial BU-2. The BU2 district was intended to provide areas suitably situated for centers of commercial activity, area retail sales, sale of fuels, mechanical services, wholesaling, warehousing and storage.

4. During the 1986 Comprehensive Plan process, the land use districts of the subject property were changed to Sub Urban Commercial (SC) consistent with the previous commercial zoning and URM consistent with the use of the property as a mobile-home park.
5. Subsequent to the 1986 Comprehensive Plan process Lots 1 through 10 and lots 31 through 33 were rezoned from URM to SC on May 2, 1990 by BOCC Resolution 128-1990 and Lot 30, Block 2, Mandalay Subdivision, P.B 1. page 195, Key Largo, Monroe County, Florida, was rezoned from URM to SC on September 28, 2001.
6. The Future Land Use Map of the Monroe County Year 2010 Comprehensive Plan, which took effect on January 4, 1996, followed the land use district boundary and designated a future land use category of Mixed Use Commercial (MC) for the Sub Urban Commercial (SC) parcel and Residential High (RH) for the URM parcels with the exception of Lot 30, Block 2, Mandalay Subdivision, P.B 1. page 195, Key Largo, Monroe County, Florida that was zoned URM with a FLUM designation of MC.
7. Based on **Policy 101.4.5** of the Monroe County Year 2010 Comprehensive plan, the principal purpose of the Mixed Use/ Commercial land use category is to provide for the establishment of commercial zoning districts where various types of commercial retail and office may be permitted at intensities, which are consistent with the community character and the natural environment. This land use category is also intended to allow for the establishment of mixed use development patterns, where appropriate.
8. The Mixed Use/Commercial (MC) FLUM designation corresponds with the requested Mixed Use (MU) land use district designation.
9. **Policy 101.4.4** The principal purpose of the Residential High category is to provide for high-density single-family, multi-family, and institutional residential development, including mobile homes and manufactured housing, located near employment centers.
10. The Residential High (RH) FLUM designation corresponds with the requested Urban Residential (UR) land use district designation.
11. **Section 9.5-511** prohibits any map amendments that would negatively impact community character. No negative impacts were identified.
12. **Objective 101.11** states that Monroe County shall ensure that at the time a development permit is issued, adequate public facilities are available to serve the development at the adopted level of service standards concurrent with the impacts of such development.
13. The **2005 Public Facilities Capacity Assessment Report** and the listed programs for stormwater and wastewater indicate that there are no significant concerns.
14. **Goal 102** of the Monroe county Year 2010 Plan states that Monroe County shall direct future growth to lands that are intrinsically most suitable for development and shall encourage conservation and protection of environmentally sensitive lands. The parcels are cleared and were previously developed. There will be no expansion onto environmentally sensitive lands.
15. Based on **Chapter 380.031 of the Florida Statutes**, the definition of “development Permit” includes zoning permit and rezoning. Therefore, a rezoning change should support and implement the Land Development Regulations.

16. Based on **Chapters 163.3201 and 163.3201** of the Florida Statutes, Land development regulations shall be in compliance with and implement the adopted local Comprehensive Plan.
17. Based on **Chapter 163.3213 2 (b)** “Land development regulation” means an ordinance enacted by a local governing body for the regulation of any aspect of development, including a subdivision, building construction, landscaping, tree protection, or sign regulation or any other regulation concerning the development of land. This term shall include a general zoning code, **but shall not include a zoning map, an action which results in zoning or rezoning of land...**
18. Based on **Chapter 163.3177(6)(a)** of the Florida Statutes, Future Land Use Map illustrate the proposed distribution, location, and extent of various categories of land use in a future land use plan. The future land use plan is just one of the several elements of comprehensive plan. It designates proposed future general distribution, location, and extent of the uses of land for different type of uses.
19. The community character of the neighborhood is mixed use. There is a mix of residential, resort, marina and restaurant uses with corresponding land use districts of Sub Urban Commercial (SC), Urban Residential Mobile Home (URM) and Urban Residential (UR).

#### **Conclusions of Law**

1. The future land use Map is just one of the elements of the Year 2010 Comprehensive Plan which shows only the proposed future general distribution, location and extent of the uses of land for different types of uses.
2. Determination of granting a development permit (including rezoning) is based on the consistency of the proposal with applicable Land Development Regulations and the overall intent of the Comprehensive Plan.
3. Based on the Findings of Facts presented, the proposed land use designation is appropriate for this property. In the process of determining appropriate land use designation for the site, the Findings of Fact and Conclusions of Law shall be used to guide the Staff.

#### **Recommendations**

Based on the Findings of Fact and Conclusions of Law above, the Planning and Environmental Resources Department, Development Review Committee and the Planning Commission recommends **APPROVAL** to the Board of County Commissioners for the proposed Land Use District Map amendment from Sub Urban Commercial (SC) to Mixed Use (MU) for parcel 00554420.000000 and the neighboring parcels 00554730.000000, 00554700.000000 and 00554670.000000 from Urban Residential Mobile-Home (URM) to Urban Residential (UR).